

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLE BRAND,

Plaintiff,

-against-

WALMART, Inc.,

Defendant.

MEMORANDUM & ORDER
22-CV-2923 (EK) (JMW)

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Wicks' Report and Recommendation (R&R) dated January 23, 2023. Judge Wicks recommends that I dismiss this case without prejudice for failure to file proof of timely service (and lack of good cause shown for that failure). Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Wicks' recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, this case is dismissed without prejudice.

The Clerk of Court is respectfully directed to close
this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: February 8, 2023
Brooklyn, New York